IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Friday, the Twenty Ninth day of October, two thousand and four

Present:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23033 OF 2003

Between:

A.Narasimha Rao, S/o A.Surya Rao, aged 50 years, Occ: Secretary K.K.Valli P.A.C.S., Iragavaram Mandal, West Godavari District.

…Petitioner

And

1. The Government of Andhra Pradesh, rep.by its Secretary, Cooperation Department, Secretariate, Hyderabad.
2. The District Cooperative Officer, Eluru, West Godavari District.
3. The Divisional Cooperative Officer, Kovvur, West Godavari District.
4. The K.K.Valli Primary Agricultural Cooperative Society, K.K.Valli, Iragavaram Mandal, West Godavari District, Rep.by its Chairman/Person-in-charge.

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased

to issue a writ or order or direction, more particularly one in the nature of writ of Mandamus declaring the proceedings issued by the 4th respondent dated 25-7-2002 terminating the petitioner from service as illegal, arbitrary and violative by the malafide exercise of power on the part of the 4th respondent apart from violative of fundamental rights guaranteed under the Constitution of India and principles of natural justice consequently direct the 4th respondent to reinstate the petitioner forthwith with all incidental and consequential benefits including continuity of service.

For the Petitioner: Mr.A.Satya Prasad, Advocate.

For the Respondents 1 to 3: G.P., for Cooperation.

For the respondent NO.4 : Smt.A.Malathi, Advocate.

The Court made the following :

ORDER:

The petitioner was working as Secretary of the Primary Agricultural Co-operative Society. His services were terminated by proceedings dated 25-7-2002.

I have taken a view in W.P.No.3171 of 2003 and batch that no writ lies against the co-operative societies by its employees in view of the alternative remedy available to them under the Co-operative Societies Act, Rules and relevant bye laws of the respective societies.

Accordingly, the Writ Petition is dismissed, with a liberty to the petitioner to file an appeal before the appellate authority under the said bye laws, within four weeks from the date of receipt of copy of this order. No costs.

V.ESWARAIAH, J

Date: 29-10-2004.

Shr.

Asst. Registrar.

Copies to:

1. The Secretary to Government of Andhra Pradesh, Cooperation Department, Secretariate, Hyderabad.
2. The District Cooperative Officer, Eluru, West Godavari District.
3. The Divisional Cooperative Officer, Kovvur, West Godavari District.
4. The The Chairman/Person-in-charge, K.K.Valli Primary Agricultural Cooperative Society, K.K.Valli, Iragavaram Mandal, West Godavari District.
5. Two C.Cs., to the G.P., for Cooperation, High Court Buildings, Hyderabad (OUT).
6. Two C.D. copies.